

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

STEWART SMITH,	:	CIVIL NO. 1:17-CV-2264
	:	
Petitioner	:	(Chief Judge Conner)
	:	
v.	:	
	:	
LAUREL HARRY, et al.,	:	
	:	
Respondents	:	

ORDER

AND NOW, this 3rd day of May, 2019, upon consideration of petitioner's motions (Docs. 29, 31) to compel discovery, wherein he requests "all typed, written, or electronic versions of any and all emails, letters, memos, or any form of communications from DOC and Board concerning pre-parole and parole, grievances, psychology, psychiatry, groups, counselors, request slips, notes of interviews by DOC personell [sic], Board members, and any other tangible thing related to the preparole and parole process by both DOC and Board going back to year 2011" (Doc. 29 ¶ 3), and the court noting that "[a] habeas petitioner, unlike the usual civil litigant in federal court, is not entitled to discovery as a matter of ordinary course," Bracy v. Gramley, 520 U.S. 899, 904 (1997), rather, decisions on discovery requests rest in the sound discretion of the court, see Levi v. Holt, 192 F. App'x 158, 162 (3d Cir. 2006), and, further, Rule 6 of the Rules Governing Section 2254 Cases in the United States District Courts, does not permit discovery except under limited circumstances, with prior leave of court, and upon a showing of "good cause" to justify discovery, and the court finding that petitioner has failed to

establish good cause, and the court further finding that petitioner's discovery requests are vastly overbroad and unduly burdensome, it is hereby ORDERED that the motions (Docs. 29, 31) to compel discovery are DENIED.

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner, Chief Judge
United States District Court
Middle District of Pennsylvania